



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/768,727

01/24/2001

Andreas Rippich

3134/WEICK

1224

26304

7590

04/26/2005

KATTEN MUCHIN ZAVIS ROSENMAN

575 MADISON AVENUE

NEW YORK, NY 10022-2585

EXAMINER

HWANG, JOON H

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,727

Applicant(s)

RIPPICH, ANDREAS

Examiner

Joon H. Hwang

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-18 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-18 and 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The applicant amended claims 1, 3-5, 7, 10, 11, 15, 16, 18, 20-22, and 26 and added claim 27 in the amendment received on 1/18/05.

The pending claims are 1-7, 9-18, and 20-27.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 18, 22, and 26 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The amendment filed on 1/18/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the matter that a list of operators is updated after a selection of an initial item entry.

The original specification and drawing support updating the list of operators after a second item is selected, wherein the second item is selected after the initial item and an operator are selected. See figs. 4a-4d and 6 and the original specification pages 12-15. Therefore, updating the list of operators after the initial item entry is selected is not supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-7, 9-18, and 20-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1, 18, 22, 26, and 27 contain the claimed subject matter of updating the list of operators after the initial item entry is selected. The original specification and drawing support updating the list of operators after a second item is selected, wherein the second item is selected after the initial item and an operator are selected. See figs. 4a-4d and 6 and the original specification pages 12-15.

Therefore, the claimed subject matter of updating the list of operators after the initial item entry is selected is not supported by the original disclosure.

Claims 2-7, 9-17, 20-21, are 23-25 are also rejected with the same reason above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2162

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7, 9, 11-18, and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (U.S. Patent No. 6,374,275) in view of Ginsberg ("A unified approach to automatic indexing and information retrieval", 1993, IEEE, pages 46-56, Vol. 8, Issue: 5) and Wilson et al. (U.S. Patent No. 5,963,938), and further in view of Bowman et al. (U.S. Patent No. 6,006,225).

With respect to claim 1, Wasilewski discloses a graphical user interface displaying a set of entries from a database of entries and a set of operators, wherein ones of the displayed set of entries and ones of the displayed set of operators may be selected to form a database search query for producing valid results, and displaying a result obtained from the selection of at least one entry from the database (figs. 8-11, lines 9-51 in col. 2, lines 15-55 in col. 3 and line 44 in col. 4 thru line 19 in col. 5). Wasilewski discloses selecting an initial entry of the displayed set of entries (figs. 8-11 and lines 6-59 in col. 7). Wasilewski does not explicitly disclose displaying a set of valid results from a query based on the selected entry. However, Ginsberg discloses a graphical user interface displaying a set of valid results from a query in a simultaneous manner based on a query entry (fig. 1 on page 47, fig. 2 on page 48, fig. 5 on page 54, 3rd line in right column of page 47 thru line 14 in left column of page 48, and section "Conjunctive expressions" on pages 54-55) in order to assist user in searching by providing an immediate search result. Therefore, based on Wasilewski in view of Ginsberg, it would have been obvious to one having ordinary skill in the art at the time

Art Unit: 2162

the invention was made to utilize the teachings of Ginsberg to the system of Wasilewski in order to assist a user in a search strategy by providing an immediate search result, so that the user can decide whether the user needs a further search. Wasilewski discloses selecting an operator from the displayed set of operators (figs. 8-11 and lines 6-59 in col. 7). Wasilewski and Ginsberg do not explicitly disclose updating the set of displayed operators based on the selected entry. However, Wilson discloses displaying operators and operands and updating (logical) operators to limited possible operators based on a selected (initial) attribute or (initial) entry, wherein the updated set of displayed operators includes only those operators from the set of operators that may be combined in a query with the selected entry and at least one of the set of entries from the database to produce at least one valid result (fig. 3, fig. 7, fig. 9, fig. 12, lines 15-20 in col. 2, lines 58-62 in col. 5, lines 8-15 in col. 10, lines 2-6 in col. 7, and lines 31-36 in col. 18) in order to assist the user in search by avoiding the user to select unnecessary or undesired operators in search via hiding or eliminating those operators. Therefore, based on Wasilewski in view of Ginsberg, and further in view of Wilson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Wilson to the system of Wasilewski in order to prohibit the user to select an undesired operator in a search query, so that the user can construct a proper search query for a valid result. Wasilewski, Ginsberg, and Wilson do not explicitly disclose updating the displayed set of entries. However, Bowman discloses eliminating inappropriate items, which would not produce a wanted result at the end of a database search (line 28 in col. 2 thru line 30 in col. 3, lines 32-35 in col. 4, lines 42-55

Art Unit: 2162

in col. 9, and lines 42-67 in col. 12) in order to prevent a NULL query result. This teaches updated displayed set of entries includes only those entries from the database that may be combined in a query with the selected entry and the selected operator to produce at least one valid result. Therefore, based on Wasilewski in view of Ginsberg and Wilson, and further in view of Bowman, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Bowman to the system of Wasilewski in order to prevent a NULL query result, which is an unwanted result. Furthermore, such searching steps can be repeated and it is well known in the art (fig. 2 of Wilson).

With respect to claim 2, Wasilewski discloses displaying contents of the database in a list (figs. 8-11).

With respect to claim 3, Wasilewski discloses displaying contents in a hierarchical order (figs. 8-11).

With respect to claim 4, Bowman discloses desired result corresponding to a non-nullity (line 28 in col. 2 thru line 30 in col. 3, lines 32-35 in col. 4, lines 42-55 in col. 9, and lines 42-67 in col. 12). The limitations of claim 4 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 5, Bowman discloses desired result corresponding to a nullity (lines 23-25 in col. 3). The limitations of claim 5 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 6, Wasilewski discloses the displayed set of contents is a subset of all contents of the databases (figs. 8-11).

With respect to claim 7, Bowman discloses excluding potentially weak correlation terms (lines 40-55 in col. 9). The limitations of claim 7 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 9, Wasilewski discloses a selection of a Boolean operator by a conventional computer mouse-clicking mechanism (lines 15-55 in col. 3 and fig. 7).

With respect to claim 11, Wilson discloses operators and operands (fig. 3, fig. 9, fig. 12, and lines 15-20 in col. 2). Wilson discloses limiting possible (logical) operators for a particular argument (lines 8-15 in col. 10, and lines 2-6 in col. 7).

With respect to claim 12, Wasilewski discloses representing contents of the database by text (figs. 8-11).

With respect to claim 13, Wasilewski discloses representing contents of the database by image (lines 44-50 in col. 5).

With respect to claim 14, Wasilewski discloses URLs and a television for browsing a network and a database, which teach video or audio segments in database could be retrieved by URLs and the television (lines 32-43 in col. 1).

With respect to claim 15, Wasilewski discloses a displayed list of database entries with operators to form a hybrid search term (figs. 8-11 and lines 6-43 in col. 7).

With respect to claim 16, Wasilewski discloses a logical operator comprising a plurality of combined single operators (figs. 8-11 and lines 6-43 in col. 7).

With respect to claim 17, Ginsberg discloses a graphical user interface displaying a progress and a result of the database search in a simultaneous manner on a computer display (fig. 1 on page 47, fig. 2 on page 48, fig. 5 on page 54, 3rd line in right

Art Unit: 2162

column of page 47 thru line 14 in left column of page 48, and section "Conjunctive expressions" on pages 54-55).

The limitations of claim 18 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 20, Wasilewski discloses Boolean operations (figs. 8-11 and lines 6-43 in col. 7).

With respect to claim 21, Wasilewski discloses a logical operation may be selected and combined to form a plurality of combined single operators (figs. 8-11 and lines 6-43 in col. 7).

The limitations of claim 22-27 are rejected in the analysis of claim 1 above, and these claims are rejected on that basis.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (U.S. Patent No. 6,374,275) in view of Ginsberg ("A unified approach to automatic indexing and information retrieval", 1993, IEEE, pages 46-56, Vol. 8, Issue: 5), Wilson et al. (U.S. Patent No. 5,963,938), and Bowman et al. (U.S. Patent No. 6,006,225), and further in view of Carey et al. (U.S. Patent No. 5,905,982).

With respect to claim 10, Wasilewski, Ginsberg, Wilson, and Bowman disclose the claimed subject matter as discussed above except a SQL query. However, Carey discloses a SQL query for searching a database including relational and object oriented (abstract, lines 33-62 in col. 1, line 65 in col. 5 thru line 35 in col. 6). Therefore, based on Wasilewski in view of Ginsberg, Wilson, and Bowman, and further in view of Carey, it

Art Unit: 2162

would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a SQL query for searching a database, such as a relational and object oriented database.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).


Art Unit: 2162

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joon Hwang
Patent Examiner
Technology Center 2100

4/21/05


JEAN M. CORRIELLUS
PRIMARY EXAMINER